

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claim 27 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 11-27 are now pending in this application.

Rejection under 35 U.S.C. § 102

Claims 11-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,572,766 to Dimitriou (hereafter "Dimitriou"). This rejection is respectfully traversed.

Amended claim 11 recites a heat exchanger with a disk structure comprising, among other things, a plurality of disks, a heat transfer medium inlet, and a first set of at least two heat transfer medium ducts in fluid communication between each intermediate space and one of the heat transfer medium inlet and the heat transfer medium outlet, wherein the at least two heat transfer medium ducts are in fluid communication with the same heat transfer medium inlet so that the at least two heat transfer medium ducts are configured to be supplied with heat transfer medium by the same heat transfer medium inlet, as recited in claim 11. Claims 12-16 depend from claim 11.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Dimitriou discloses a plate evaporator or condenser that includes a stack of plates that are fed a heating fluid or vapor through inlet openings 26 and 27 and through channels 26' and 27'. See Dimitriou at col. 5, line 62, to col. 6, line 48; col. 7, line 62, to col. 8, line 4. The plate stack includes additional inflow openings and channels 39' and 40' for the heating

fluid or vapor. See Dimitriou at col. 7, lines 25-39; col. 7, line 62, to col. 8, line 28.

Dimitriou discloses that condensate from the heating fluid or vapor can be admitted to a condensate outlet flow 53. See Dimitriou at col. 8, lines 23-28.

The Office identifies the openings 26, 27 as heat transfer medium ducts on page 2 of the Office Action. However, as shown in Figure 7 of Dimitriou, the channels 26' and 27' are each supplied by a separate opening 26 and 27. Thus, the openings 26, 27 and channels 26', 27' of Dimitriou form channels or openings with separate inlets so that the inlet for opening 26 and channel 26' is not shared with the opening 27 and channel 27', and vice versa. Dimitriou only discloses that an inlet supplies a single opening and a single associated channel. Therefore, Dimitriou does not disclose a heat exchanger, wherein at least two heat transfer medium ducts are in fluid communication with a same heat transfer medium inlet so that the at least two heat transfer medium ducts are configured to be supplied with heat transfer medium by the same heat transfer medium inlet, as recited in claim 11.

Dimitriou does not anticipate claims 11-16 and 26 because Dimitriou does not disclose all of the features of claim 11. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dimitriou. This rejection is respectfully traversed. Claim 25 depends from claim 11. As discussed above in regard to claim 11, Dimitriou fails to disclose or suggest all of the features of claim 11. Thus, Dimitriou does not render claim 25 to be unpatentable because Dimitriou does not disclose or suggest all of the features of claims 11 and 25. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 17-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dimitriou in view of U.S. Patent No. 5,230,966 to Voss *et al.* (hereafter "Voss"). This rejection is respectfully traversed. Voss fails to remedy the deficiencies of Dimitriou discussed above in regard to independent claim 11, from which claims 17-24 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claim

New claim 27 has been added. Claim 27 depends from claim 11 and is allowable over the prior art for at least the reasons discussed above and for its additional recitations.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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